

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

SIERRA CLUB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 3:10-cv-00511-wmc
	)	
WISCONSIN POWER AND	)	
LIGHT COMPANY,	)	
	)	
Defendant.	)	

**JOINT MOTION TO STAY PROCEEDINGS AND EXTEND  
CASE MANAGEMENT DEADLINES BY THREE MONTHS  
PENDING SETTLEMENT NEGOTIATIONS**

The parties jointly, by counsel, respectfully request that the Court stay these proceedings and extend by three months all of the existing case management deadlines, including the trial date, established in the Preliminary Pretrial Conference Order while the parties engage in settlement negotiations. In support of this Motion, the parties state:

1. On December 14, 2009, the United States Environmental Protection Agency (“EPA”) served Defendant Wisconsin Power and Light Company (“WPL”) with a Notice and Finding of Violation of the Clean Air Act concerning certain activities undertaken at the Columbia, Nelson Dewey and Edgewater Generating Stations.

2. On October 10, December 14, and December 21, 2009, Plaintiff Sierra Club served WPL with notices of Sierra Club’s intent to sue WPL for violations of the Clean Air Act concerning certain activities undertaken at the Columbia and Nelson Dewey Generating Stations.

3. On September 9, 2010, Plaintiff filed its Complaint in this action.

4. Since January 2010, WPL and the EPA have been engaging in detailed settlement discussions with the goal of resolving the alleged claims set forth in EPA's Notice of Violation. Indeed, in November 2010, WPL submitted its most recent comprehensive settlement proposal to EPA. In November 2010, WPL and EPA representatives met to discuss potential settlement. It is expected that EPA's response to WPL's settlement proposal will be submitted shortly.

5. Sierra Club has recently agreed to join in those settlement negotiations, with the goal of resolving all potential claims against WPL by both EPA and Sierra Club.

6. This is a highly complex and technical case. The parties wish to avoid spending significant time and resources on discovery, expert issues, additional dispositive motions, and other pretrial matters that will turn out to be unnecessary if settlement is reached.

7. The parties to this case are not in complete control of potential settlement, or its timing, because the EPA is not a party to this case but is a likely necessary party to any settlement.

8. Consequently, the parties jointly request that this Court stay all proceedings on this case for three months and extend by three months all of the existing case management deadlines, including the trial date, established in the Preliminary Pretrial Conference Order while the parties engage in settlement negotiations. Alternatively, the parties request a brief telephonic scheduling conference to establish dates. The parties fully expect that within the next three months they will know whether this case likely will be settled.

9. The requested stay and three month deadline extension pending settlement negotiations may also conserve judicial resources as the Court will not need to adjudicate pending motions to dismiss and other yet-to-be filed motions if settlement is reached in the next three months.

WHEREFORE the parties jointly respectfully request that the Court stay all proceedings in this action and extend by three months all of the existing case management deadlines, including the trial date, established in the Preliminary Pretrial Conference Order while the parties engage in settlement negotiations.

Respectfully submitted,

/s/ Robert R. Clark

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